

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Continuous web cleaning, Film cleaning, Hazardous substances, Halogenated solvent cleaning machines.

Dated: August 6, 1999.

Carol M. Browner,

Administrator.

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 300**

[FRL-6422-6]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete Lackawanna Refuse site from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region III announces its intent to delete the Lackawanna Refuse Superfund Site (Site) from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. EPA and the Pennsylvania Department of Environmental Protection (PADEP) have determined that all appropriate CERCLA response actions have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the Commonwealth have determined that remedial activities conducted at the Site have been protective of public health, welfare, and the environment.

DATES: Comments concerning the proposed deletion of this Site from the NPL may be submitted on or before September 20, 1999.

ADDRESSES: Comments may be submitted to: Ms. Andrea Lord, (3HS21), Project Manager, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, Pennsylvania, 19103 (215) 814-5053.

Comprehensive information on this Site is available for viewing at the Site

information repositories at the following locations:

Regional Center for Environmental Information, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA 19103 (215) 814-5364; Old Forge Borough Hall, 312 South Main Street, Old Forge, PA 18518.

FOR FURTHER INFORMATION CONTACT: Ms. Andrea Lord (3HS21), U.S. Environmental Protection Agency, Region III, 1650 Arch St., Philadelphia, PA 19103, (215) 814-5053.

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I. Introduction

The U.S. Environmental Protection Agency, Region III announces its intent to delete the Lackawanna Refuse Superfund Site, Old Forge, Pennsylvania, from the National Priorities List (NPL), appendix B of the National Oil and Hazardous Substance Pollution Contingency Plan (NCP), and requests public comments on this proposed action. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of these sites. EPA and the Commonwealth of Pennsylvania have determined that remedial activities conducted at the Site have been successfully executed.

EPA will accept comments on the proposal to delete this Site for thirty calendar days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses the procedures that EPA is using for this action. Section IV discusses the Lackawanna Refuse Superfund Site and explains how the Site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA shall consider whether any of the following criteria have been met:

(i) EPA, in consultation with PADEP, has determined that the responsible parties or other parties have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented, and EPA, in consultation with PADEP, has determined that no further cleanup by responsible parties is appropriate; or

(iii) The remedial investigation has shown that the release at the Site poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Even if a site is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the site above levels that allow for unlimited use and unrestricted exposure, EPA's policy is that a review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment. If new information becomes available which indicates a need for further action, EPA may initiate additional remedial actions. Whenever there is a significant release from a deleted site from the NPL, the site may be restored to the NPL without application of the Hazard Ranking System.

In the case of the Lackawanna Refuse Site, EPA has determined that the selected remedy is protective of human health and the environment. Consistent with the State Superfund Contract, between EPA and PADEP, PADEP has agreed to take over operation and maintenance of the Site and conduct an annual inspection. EPA has conducted the first two five-year reviews of the final remedy, and will also perform future five-year reviews.

III. Deletion Procedures

The following procedures were used for the intended deletion of this site:

(i) EPA Region III has recommended deletion and has prepared the relevant documents.

(ii) The Commonwealth of Pennsylvania has concurred with the deletion decision. Concurrent with this National Notice of Intent to Delete, local notice will be published in local newspapers and distributed to appropriate federal, state, and local officials and other interested parties. This local notice presents information on the Site and announces the commencement of the thirty (30) day public comment period on the deletion package.

(iii) The Region has made all relevant documents available for public review in the Regional Office and the local Site information repository.

Deletion of the Site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The

NPL is designed primarily for informational purposes and to assist Agency management.

Comments received during this Notice and comment period will be evaluated before the final decision to delete. If necessary, the Agency will prepare a Responsiveness Summary to address any significant public comments received.

A deletion will occur when the Regional Administrator places a final notice in the **Federal Register**. Generally, the NPL will reflect deletions in the final update following the Notice. Public notices and copies of the Responsiveness Summary will be made available to local residents by Region III.

IV. Basis for Intended Site Deletion

The Lackawanna Refuse Site (Site) is located along a section of the north-south border between Old Forge Borough and Ransom Township, in Lackawanna County, PA. The Site consists of five strip mine pits excavated in the nineteenth century and used in the 1970's as a permitted municipal refuse landfill. The Site is closely bordered by several houses to the east and by the Villa Corporation Trailer Park to the south. Austin Heights, a residential section of Old Forge Borough, is northeast of the Site. The area west of the Site is forested steep hills. Approximately 9000 persons live within one mile of the Site. The local residents do not depend on groundwater as a source of drinking water, but obtain water through a public system derived from reservoirs several miles to the north.

The Site is located above the flood plains of St. Johns Creek and the Lackawanna River. St. Johns Creek, flowing along the lower (eastern) edge of the Site, is an intermittent stream that is a tributary of the Lackawanna River, which flows into the Susquehanna River.

In 1973, a permit was issued by PADEP (then known as the Pennsylvania Department of Environmental Resources) to the Lackawanna Refuse landfill property for the disposal of solid wastes with the condition that a leachate collection system be installed within sixty days. In 1978 the permit was modified by PADER to allow disposal of sludges. Pits 2 and 3 were used for the disposal of municipal refuse, until 1976 when they were filled to capacity and disposal began in Pit 5. All three pits were unlined. Boreholes, air shafts, and rock fractures allowed wastes to migrate via seeps and shallow groundwater from the pits. The leachate collection system was never installed.

In March 1979, PADER issued an order to Lackawanna Refuse suspending the solid waste permit and requiring immediate cessation of the landfill after discovering evidence of the dumping of industrial wastes and pollutants into Pit 5. The order also required Lackawanna Refuse to dig up and dispose of buried drums containing hazardous wastes and all contaminated soil. PADER issued a second order in 1979 requiring Lackawanna Refuse to construct and operate a leachate collection system. Lackawanna Refuse failed to comply with these orders, and the owner was brought to trial in 1982 in the Commonwealth court on criminal charges and subsequently found guilty of illegal dumping.

During pre-trial hearings, operators of trucking firms testified that they brought drums of hazardous waste to the Site and dumped them into Pit 5. Estimates ranged between 10,000–20,000 drums. There were also allegations that radioactive waste was disposed of at the Site in heavy drums that were lined with thick material. Other information included allegations that bulk liquid wastes were disposed of in a depression on the hillside known as the "borehole pit," and that some amount of liquids were sprayed on the site access road for dust control.

In 1980, PADER requested EPA assistance to further excavate and analyze the drums in Pit 5. Seven test areas in Pit 5 were excavated, uncovering 200 drums at depths of five to thirty feet below the surface of the pit. Approximately 90% of the drums were found to be broken or crushed when they were excavated.

Samples were taken from drums containing liquids or sludges and the results showed high concentrations of solvents and paint waste material with high metal and solvent contents. Metals found included cadmium, chromium, copper, lead, and mercury. Organics included benzene, toluene, methylene chloride, carbon tetrachloride, and ethylbenzene. No evidence of the disposal of radioactive waste was observed in these or any subsequent investigations at the Site. A Site investigation by EPA's Environmental Response Team (ERT) in 1982 revealed volatile organic vapors being released from Pit 5. These gases included vinyl chloride, a known carcinogen.

The Site was scored using the Hazard Ranking System (HRS), resulting in an overall score of 36.57. The Site was proposed for the NPL on December 12, 1982, with a final listing on September 8, 1983. EPA prepared a Remedial Action Master Plan (RAMP) in June 1983, and subsequently prepared a

Remedial Investigation/Feasibility Study (RI/FS) workplan in August 1983. Work on the RI began the same month and was completed in November 1984. Removal activities were conducted at the Site in September, 1983 when EPA installed a chainlink gate at the beginning of the access road to control vehicular traffic, and a chainlink fence around all three pit areas to prevent unauthorized access to the Site. The Record of Decision (ROD) describing the selected remedy for the Site was signed by the EPA Regional Administrator on March 22, 1985.

The ROD selected the following remedy for the Site: Removal of all drums and highly contaminated municipal refuse from Pit 5 for offsite disposal at a qualifying Resource Conservation and Recovery Act (RCRA) facility; Construction of a clay cap over Pits 2, 3, and 5 that meets RCRA subtitle C requirements; Installation of surface water drainage diversion around all three pits and construction of a leachate collection and treatment system for Pits 2, 3 and 5; Construction of a gas venting system through the caps of all three pits; Removal of the top layer of contaminated soil from the borehole pit for offsite disposal at a qualifying RCRA facility and returning to grade with a soil cover; Removal of the top layer of contaminated soil from the access road and reconstruction of the road with appropriate drainage and sedimentation controls; Removal of dried paint and contaminated soil in the paint spill area for offsite disposal at a qualifying RCRA facility; Development of a monitoring program during the remedial action, which would include monitoring of the existing wells onsite, the gas venting system, and the leachate treatment system; and operation and maintenance (O&M) of the cap and the leachate collection and treatment system to be implemented by the State.

EPA entered into an Interagency Agreement with the U.S. Army Corps of Engineers (USACE) to perform the Remedial Action at the Site. All components of the Remedial Action were constructed with the exception of the leachate treatment plant. EPA and PADEP found the levels of contamination in the leachate to be lower than expected, and in September 1993 EPA issued an Explanation of Significant Differences (ESD) Report which set forth EPA and PADEP's decision not to implement the leachate treatment component of the remedy. From 1989 until 1992, EPA and PADEP monitored Site conditions on a regular basis by checking for leachate "break outs"; that is, evidence that the level of leachate was building up within the

landfill and "breaking out" along the cap perimeter. There were no such breakouts during that time period.

EPA developed a monitoring program during the Remedial Action to monitor the existing groundwater wells onsite and the gas venting system. All drums and highly contaminated solid wastes were removed, and approximately 40,000 cubic yards of contaminated soil were excavated and disposed offsite. The leachate collection system and the synthetic cover were installed in 1989. The final grading and seeding of the Site were completed in 1990.

On May 7, 1991, PADEP commenced operation and maintenance of the Remedial Action at the Site. On March 28, 1994, EPA issued a Final Site Close Out Report. Pursuant to section 121 (c) of CERCLA, 42 U.S.C. 9621 (c) EPA conducted the first five-year review of the Site in 1995 and the report was subsequently issued on September 28, 1995. EPA conducted a second five-year review of the Site in February 1999, and subsequently issued a report on March 5, 1999. Both five-year reviews found the site to be protective of human health and the environment.

The remedy selected for this Site has been implemented in accordance with the Record of Decision. The remedy has resulted in the significant reduction of the long-term potential for release of hazardous substances. Human health threats and potential environmental impacts have been minimized. EPA and PADEP have determined that the remedy implemented at the Site continues to provide adequate protection of human health and the environment.

EPA, with concurrence of the PADEP, believes that the criteria for deletion of this Site have been met. Therefore, EPA is proposing deletion of the Lackawanna Refuse Site from the NPL.

Dated: August 9, 1999.

Thomas Voltaggio,

Acting Regional Administrator, Region III.

[FR Doc. 99-21317 Filed 8-18-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-6422-8]

National Oil and Hazardous Substances Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the release from the Taylor Borough Superfund site from the National Priorities List (NPL) and request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region III announces its intent to delete the release from the Taylor Borough Site (Site) from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substance Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, (CERCLA). EPA and the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection (PADEP) have determined that the Site poses no significant threat to public health or the environment and, therefore, further remedial measures pursuant to CERCLA are not appropriate.

DATES: Comments concerning this Site may be submitted on or before September 20, 1999.

ADDRESSES: Comments may be mailed to Maria de los A. Garcia, (3HS21), Remedial Project Manager, U.S. Environmental Protection Agency, 1650 Arch St., Philadelphia, PA 19103, 215-814-3199, Fax 215-814-3002, e-mail garcia.maria@epa.gov. Comprehensive information on this Site is available through the public docket which is available for viewing at the Site information repositories at the following locations: U.S. EPA Region III, Administrative Records, 1650 Arch St., Philadelphia, PA 19103, 215-566-3157; and the Taylor Borough Municipal Building, 122 Union Street, Taylor, PA 18517.

FOR FURTHER INFORMATION CONTACT: Maria de los A. Garcia (3HS21), U.S. Environmental Protection Agency, 1650 Arch St., Philadelphia, PA 19103, 215-814-3199, Fax 215-814-3002, e-mail garcia.maria@epa.gov.

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I. Introduction

The U.S. Environmental Protection Agency (EPA) Region III announces its intent to delete the release from the Taylor Borough Site, Taylor Borough,

Lackawanna County, Pennsylvania, from the National Priorities List (NPL), appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, and requests comments on the proposed deletion. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of these sites. EPA and the Commonwealth of Pennsylvania have determined that the remedial action for the Site has been successfully executed. EPA will accept comments on the proposal to delete the release from the NPL for thirty days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses the procedures that EPA is using for this action. Section IV discusses the Taylor Borough Site and explains how the Site meets the deletion criteria.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that releases may be deleted from, or recategorized on the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria has been met:

- (i) Responsible parties or other persons have implemented all appropriate response actions required;
- (ii) All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or
- (iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Even if the release is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the site above levels that allow for unlimited use and unrestricted exposure, EPA's policy is that a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment. In the case of this Site, EPA conducted a five year review in March 1993 and a second one in September 1998. Based on these reviews, EPA determined that conditions at the Site remain protective of public health and the environment. As explained below, the Site meets the NCP's deletion criteria listed above. If